

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 6, 2004

Regulation Package #1202-32

CDSS MANUAL LETTER NO. CWS-03-02

TO: HOLDERS OF THE CHILD WELFARE SERVICES MANUAL, DIVISION 31

Regulation Package #1202-32**Effective 11/1/03****Sections 31-002, 31-206, 31-236, and 31-525**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/ChildWelfa_613.htm.

The proposed regulations address four separate though related elements: The Independent Living Program (ILP), the Transitional Independent Living Plan (TILP), the Transitional Housing Placement Program (THPP), and the Transitional Housing Program-Plus (THP)-Plus. Congress passed the Foster Care Independence Act of 1999 (H.R. 3443), also known as the Chafee Foster Care Independence Act increasing ILP services requirements. In addition, Legislation was enacted, which extended ILP services to all eligible foster care youth up to the age of 21 years and gave counties the option of providing ILP services to younger youth.

All eligible foster care youth are permitted but not required to participate in the ILP. However, all foster care youth 16 years of age and older must have a TILP whether or not they are participating in the ILP. The TILP is a federally mandated written plan developed by the counties in collaboration with each youth and included in the case plan. The TILP identifies the youth's current level of functioning, emancipation goals and the specific skills needed to prepare the youth to live independently upon leaving foster care.

The THPP is a program under which supervised youth live independently while attending high school and learning the skills of daily living and has been broadened to include youths age 16 and has expanded permissible housing models. The THP-Plus originated as a housing program for young adults who have emancipated from foster care and are receiving financial assistance through the Supportive Transition Emancipation Program (STEP) however, it is no longer required to be a STEP participant to access THP-Plus.

These regulations were adopted as an emergency effective November 1, 2003 and were considered at the Department's public hearing held on December 17, 2003.

FILING INSTRUCTIONS

All new revisions are indicated by a vertical line in the left margin. Revisions shown in graphic screen will continue to be shown in that manner until new revisions are done to those pages. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Child Welfare Services Manual changes was CWS-03-01.

<u>Page(s)</u>	<u>Replace(s)</u>
8.1 and 8.2	Page 8.1
9 through 16.1	Pages 9 through 16.1
16.3 through 18	Pages 16.3 through 18
65	Page 65
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79.1 through 79.7	Insert after Page 79
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125	Page 125
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Attachments

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- (23) "Conservator" means a person appointed pursuant to Section 5350 of the Welfare and Institutions Code. In the event a child has a conservator and a parent(s), the conservator's authority to consent to placement and treatment shall take precedence.
- (24) "Consultation" means activity on the child's behalf in which county staff or a third person or organization seek the expertise of the other.
- (25) "Contact" means contact in person, in writing, or by telephone by a social worker or other person authorized by the Division 31 regulations to make case contacts with the child, parent(s)/guardian(s), out-of-home care providers, and/or other persons involved in the case plan (e.g., siblings, other relatives).
- (26) "Contiguous County" means counties whose borders touch on one side. County borders that are separated by a body of water are considered to be contiguous.
- (27) "Conviction" means:
 - (A) A criminal conviction in California; or
 - (B) Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California.
- (28) "Coordination" means activity on the child's behalf in order to integrate the activities of county staff and third persons or organizations in solving a specific problem.
- (29) "Counseling" means assisting the child and his/her family to analyze and better understand the situation; select methods of problem-solving; identify goals; and explore alternative behavior.
- (30) "County" means a county welfare or social services department.
- (31) "County Deputy Director" means that position in the county that is responsible for countywide supervision of the county's Child Welfare Services program.
- (32) "County of Residence" means the county in which the child resides.
- (33) "County Plan" means, for the purpose of the Independent Living Program, a written document for the federal fiscal year that describes the county programs, goals and objectives to meet the services needs and activities of ILP youth.

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| | (34) "County Staff" means those public employees responsible, directly or indirectly, for the delivery or authorization for the delivery of social services, and whose salaries or wages are funded in whole or in part through the Social Security Act Titles IV-B or IV-E, or Title XX (as described in the child welfare services component of the California Department of Social Services publication "Title XX Block Grant Preexpenditure Report"). This does not include employees of contract agencies under contract to the county for the delivery of social services or individual contractors. |
| | (35) "California Law Enforcement Telecommunications System (CLETS)" means law enforcement or other governmental agency maintained state summary of a person's criminal history information pursuant to Welfare and Institutions Code Section 16504.5. |
| | (36) "Criminal Records Check" means an inquiry into the CLETS and the submission of two sets of fingerprints to the Department of Justice for the purpose of reviewing a person's criminal history in accordance with Health and Safety Code Section 1522.1. |
| | (37) "Criminal Records Clearance" means an individual has a California Department of Justice clearance and an FBI clearance or evidence of compliance with FBI requirements as specified in Health and Safety Code Section 1522(d)(1)(D). |
| | (38) "Crisis intervention" means determining the cause of the crisis; offering support to all family members; defusing the situation; and assessing the potential for harm to all family members. |
| (d) | (1) "Day care" means day care as described by Health and Safety Code Section 1596.750 in defining a child day care facility. |
| | (2) "Department" means the California Department of Social Services (CDSS). |
| | (3) "Discharge Plan" means a systematic, coordinated transition plan created for a child under the age of six who is leaving a group home placement to return to family or kin or to a foster family home placement in which the social worker prescribes the follow-up services to be provided to support the child and the child's family and the duration of such services. |
| | (4) "Documented Alternative Plan" means a written authorization for a foster family home to use an alternative, based on a unique need or circumstance specific to a child being considered for placement, to meet the intent of a specified standard as permitted in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3. |

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- (e) (1) "Eligible" means entitled to receive necessary child welfare services.
- (2) "Emancipated Youth" means, young adults who are former foster/probation children who have left foster care because they have reached at least 18 years of age and up to the day prior to their 21st birthday.
- (3) "Emergency assessment" means an immediate determination of the suitability of a relative or nonrelative extended family member by a county welfare department or probation department for the temporary placement of a child, based on an in-home inspection to assess the safety of the home, the ability of the individual to care for the child during the temporary period, and a consideration of the results of a criminal records check and a check of reports of suspected child abuse or neglect.
- (4) "Emergency Assistance" means the program which supports services to families for the purpose of alleviating emergency situations that meet certain criteria as specified in the Title IV-A State Plan implementing 45 CFR 233.120.
- (5) "Emergency in-home caretaker" see definition of "Temporary in-home caretaker."
- (6) "Emergency response assessment" means an assessment of an emergency response referral conducted by a social worker skilled in emergency response for the purpose of determining whether an in-person investigation is required.
- (7) "Emergency response in-person investigation" means a face-to-face response by a social worker skilled in emergency response for the purpose of determining the potential for or the existence of any condition(s) which places the child or any other child in the household at risk and in need of services and which would cause the child to be a person described by Welfare and Institutions Code Sections 300(a) through (j).
- (8) "Emergency response protocol" means the documented activities of the emergency response social worker necessary to determine whether or not an in-person investigation is appropriate.

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- | (9) "Emergency response referral" means a referral that alleges child abuse, neglect, or exploitation as defined by Penal Code Section 11165 et seq. and the Division 31 regulations. An emergency response referral does not include inappropriate inquiries such as those regarding aid payments, Medi-Cal cards, etc.
- | (10) "Emergency response services" means those services described in Welfare and Institutions Code Section 16501(f).
- | (11) "Emergency shelter care" means the provision of a protective environment for a child who must be immediately removed, pursuant to Welfare and Institutions Code Section 300, from his/her own home or current foster care placement, and who cannot be immediately returned to his/her own home or foster care placement.
- | (12) "Exemption" means the approval agency has determined that an individual who does not have a criminal records clearance pursuant to Health and Safety Code Section 1522(g) is qualified for the waiver of disqualification allowed under Welfare and Institutions Code Section 361.4(d)(2).
- | (13) "Exploitation" means forcing or coercing a child into performing functions which are beyond his/her capabilities or capacities, or into illegal or degrading acts. The term also includes sexual exploitation as defined by Penal Code Section 11165.1(c).
- (f) (1) "Family" means, for purposes of providing child welfare services, parents, adults fulfilling the parental role, guardians, children, and others related by ancestry or marriage.
- (2) "Family maintenance services" means those services described in Welfare and Institutions Code Section 16501(g).
- (3) "Family preservation worker" means a social worker who provides family preservation services as specified in Welfare and Institutions Code Section 16500.5.
- (4) "Family reunification services" means those services described in Welfare and Institutions Code Section 16501(h).
- (5) "Family Reunification Services Track" means the portion of the case plan that consists of services described in Welfare and Institutions Code Section 16501(h).
- (6) "Federal Bureau of Investigation (FBI) Clearance" means an individual has no felony or misdemeanor convictions, other than a minor traffic violation, reported by the FBI.

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- (7) "Foster Care" means, for purposes of the Independent Living Program (ILP), 24 hour substitute care for children placed away from their parents or guardians and for whom the state or county agency has placement and care responsibility and who are likely to remain in foster care until age 18.
- (8) "Foster care" means the provision of 24-hour care and supervision to a child who has been placed by a child placing agency, including county child welfare services and probation departments, in one of the following types of foster homes:
 - (A) A licensed foster family home.
 - (B) A licensed small family home.
 - (C) A family home certified by a licensed foster family agency for its exclusive use.
 - (D) An approved foster family home.
 - (E) A licensed group home for children.
 - (F) A home, pursuant to a court order or voluntary placement agreement.
- (9) "Foster family agency" means any organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home.
- (10) "Foster family home" means any residential facility providing 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. A foster family home may also be authorized to provide care for more than six children for the purpose of keeping siblings together provided that the conditions of Health and Safety Code Section 1505.2 are met.
- (11) "Foster parent" means a person whose home is licensed or approved as a foster family home or licensed as a small family home or certified by a licensed foster family agency for 24-hour care of children, and a person who has the responsibility for the provision of foster care pursuant to a court order or voluntary placement agreement.

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- (g) (1) "Grievance" means an expression of dissatisfaction with a child-placing agency's procedures or actions, as such procedures or actions relate to the placement or care of a child in, or removal of a child from, a particular foster home.
- (A) "Grievance review agent" means the person or panel designated by the director of the child-placing agency to conduct the grievance review and render a recommended decision to the director of the agency.
- (B) "Party to grievance review" means a foster parent, legal parent, legal guardian, or child requesting the review; and the child-placing agency responsible for the action upon which the complaint is based.
- (2) "Group home" means a nondetention privately operated residential home of any capacity that provides services in a group setting to children in need of care and supervision, as required by Paragraph (1) of Subdivision (a) of Section 1502 of the Health and Safety Code.
- (3) "Guardian" means a person appointed by the superior court pursuant to the provisions of Probate Code Section 1514, or appointed by the juvenile court pursuant to the provisions of Welfare and Institutions Code Section 366.25 or .26.
- (h) Reserved
- (i) (1) "Independent Living Program (ILP)" as defined in Section 477 of the Social Security Act means the program administered by counties with oversight by the Department to provide services and activities as described by the childrens' Transitional Independent Living Plans (TILPs) to assist eligible children up to the day prior to their 21st birthday to prepare them to live independently upon leaving foster care.
- (A) Repealed by Manual Letter No. CWS-02-01, effective 7/1/02.
- (2) "Independent Living Program Coordinator" means the individual who is either an employee of the county or its designee/contractor and who is responsible for administering the ILP to all eligible youth.
- (3) "Indian" means a person who is a member of an Indian tribe, or who is an Alaskan Native and a member of a Regional Corporation as defined in 43 USC 1606.

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- (A) "Indian child(ren)" means an unmarried person under 18 years of age who is a member of an Indian tribe, or who is eligible for tribal membership and is the biological child of a tribe member.
- (B) "Indian child's extended family" means "extended family" as defined by the law or custom of the Indian child's tribe; or, in the absence of such a law or custom, a person 18 years of age or over who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or stepparent.
- (C) "Indian child's parent" means a biological parent of an Indian child; or an Indian who has lawfully adopted an Indian child. Lawful adoptions include adoptions under tribal law or custom. The term does not include the unwed father when paternity has not been acknowledged or established.
- (D) "Indian child's tribe" means the Indian tribe in which an Indian child is a member or is eligible for membership; or, in the case of an Indian child who is a member of or is eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.
- (E) "Indian custodian" means an Indian who has legal custody of an Indian child under tribal law or custom, or under state law; or to whom temporary physical care, custody, and control has been transferred by the parent(s) of such Indian child.
- (F) "Indian organization" means a group, association, partnership, corporation, or other legal entity owned or controlled by Indians, or a majority of whose members are Indians.
- (G) "Indian tribal court" means a court, recognized by the Secretary of the Interior, with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses; a court established and operated under the code or custom of an Indian tribe; or any other administrative body of a tribe which is vested with jurisdiction over child custody proceedings.
- (H) "Indian tribe" means an Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska native village as defined in 43 USC 1602c.

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- (4) "Individualized Education Program (IEP)" means an individualized education program for children with identified special educational needs. The IEP is developed by an individualized education program team which consists of a representative other than the child's teacher designated by the school administration, the child's present teacher, or the teacher with the most recent and complete knowledge of the child who has also observed the child's educational performance, and one or both of the child's parents. The IEP includes the identification of educational needs, assessment, instructional planning, and placement.
- (5) "Infant" means a child under two years of age.
- (6) "Information" means enabling a person to have current, accurate knowledge regarding available public and private resources established to help relieve socio-health problems.
- (7) "Interagency Placement Committee" means a committee established by the county, with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health pursuant to Section 4096(c) of the Welfare and Institutions Code.
- (8) "Interstate Compact on the Placement of Children (ICPC)" means a legislatively ratified administrative process between member states to safeguard the interests of children who are placed in one state by an agency of another state.
 - (A) "Appropriate public authority" means the state's Interstate Compact Administrator.
 - (B) "Receiving agency" means a person or entity designated to receive any child from another party state.
 - (C) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- (j) Reserved
- (k) (1) "Kinship Adoption" means the adoption of a dependent child by a relative or a relative of the child's half-sibling as defined in Family Code Section 8714.5, which may be accompanied by a kinship adoption agreement.

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(2) "Kinship Adoption Agreement" means a written agreement pursuant to Family Code Section 8714.7.

(l) (1) "Legally emancipated minor" means, for purposes of the Independent Living Program, children under the age of 18 years who have left foster care because they have reached emancipation by meeting any of the following:

(A) The person has entered into a valid marriage whether or not the marriage has been dissolved;

(B) The person is on active duty with the armed forces of the United States, or

(C) The person has received a declaration of emancipation pursuant to Family Code Section 7122.

(2) "Licensed Mental Health Professional" as defined in Section 1901(p) of the California Code of Regulations, Title 9, Chapter 11.

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California Code of Regulations, Title 9, Section 1901(p) states:

"'Licensed mental health professional' means any of the following:

"(1) A psychiatrist;

"(2) A clinical psychologist;

"(3) A licensed marriage, family and child counselor;

"(4) A licensed clinical social worker;

"(5) A licensed registered nurse with a masters or doctorate degree in psychiatric nursing."

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- (3) "Licensing agency" means, for purposes of the Child Abuse and Neglect Reporting Act, the CDSS office responsible for the licensing and enforcement of the California Community Care Facilities Act, the California Child Day Care Act, or the county licensing agency which has contracted with the state for performance of those duties.
- (m) (1) "Mandated reporter" means a person who, pursuant to the Child Abuse and Neglect Reporting Act, is required to report knowledge or reasonable suspicion of child abuse which is obtained while acting in a professional capacity or within the scope of his/her employment. Such persons include child care custodians, health practitioners, employees of child protective agencies, child visitation monitors, and commercial film and photographic print processors, pursuant to Penal Code Sections 11165 through 11166.
- (2) "Minor" means a person under 18 years of age; or a person 18 years of age who is in a high school or vocational/technical program, provided that he/she will complete such program before he/she reaches 19 years of age.
- (3) "Minor parent" means anyone under the age of 18 years who is either pregnant or the custodial parent of a child and who has never been married.
- (4) "Minor Parent Services (MPS)" means home-based services provided to the minor parent and her/his child(ren), designed to support families and provide education to minor parents about issues such as infant health and development, nutrition, parenting skills, and life skills. Minor parent services shall include, but are not limited to, appropriate periodic in-home visits; on-going assessment of the infant and minor parent's circumstances and conditions; and referrals to appropriate community services to meet the specific safety needs of the minor parent and her/his child(ren).
- (5) "Multidisciplinary Personnel Teams," as defined in Welfare and Institutions Code Section 18951(d), means any team of three or more persons who are trained in the prevention, identification and treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse. The team may include, but shall not be limited to:
- (A) Psychiatrists, psychologists, county mental health, or other trained counseling personnel.
- (B) Police officers or other law enforcement agents including, but not limited to, county probation.

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- (C) Medical personnel with sufficient training to provide health services.
 - (D) Social workers with experience or training in child abuse prevention.
 - (E) Any public or private school teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee.
- (n) (1) "Neglect" means the failure to provide a person with necessary care and protection. In the case of a child, the term refers to the failure of a parent(s)/guardian(s) or caretaker(s) to provide the care and protection necessary for the child's healthy growth and development. Neglect occurs when children are physically or psychologically endangered. The term includes both severe and general neglect as defined by Penal Code Section 11165.2 and medically neglected infants as described in 45 Code of Federal Regulations (CFR) Part 1340.15(b).
- (2) "Non-custodial Parent" means the parent of a child removed from home pursuant to Welfare and Institutions Code Section 361, with whom the minor was not residing at the time that the events or conditions arose that brought the minor within the provisions of Welfare and Institutions Code Section 300, who desires to assume custody of the minor.
- (3) "Nonrelative extended family member" means any adult caregiver who has an established familial or mentoring relationship with the child as substantiated by interviews with the parent and child or with one or more third parties as required in Welfare and Institutions Code Section 362.7.
- (o) (1) "Out-of-home care provider" means a person or entity who provides foster care.
- (p) (1) "Parent" means the natural or adoptive father or mother, whether married or unmarried; or other adult fulfilling the parental role.
- (2) "Parenting training" means child development, home management and consumer education provided through social services and/or specialized formal instruction and practice in parenting skill achievement in accordance with Welfare and Institutions Code Section 16507.7.
- (3) "Permanency Alternative" means the type of permanency, i.e., adoption, guardianship, and long-term foster care, or a plan for transitional independent living pursuant to Section 31-525, selected for the child if family reunification fails.

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- (4) "Permanency Planning Family" means the home of a relative, a licensed foster family home as defined in Health and Safety Code Section 1502(a)(5), or a certified family home as defined in Health and Safety Code Section 1506(d) willing to assist in implementation of the child's case plan by facilitating family reunification while being prepared to provide the child with legal permanence should family reunification fail.
- (5) "Permanent placement services" means those services described in Welfare and Institutions Code Section 16501(i).
- (6) "Planning" means activity in which county staff and the child and/or his/her family mutually identify a specific goal, the specific services to be used in resolving identified problems, and service delivery methods.
- (7) "Preferential Consideration" means that relatives seeking placement for a child or relatives identified by the social worker as willing to care for a child shall be the first to be considered and investigated in determining the placement. Only the following relatives shall be given preferential consideration for placement of the child: a non-custodial parent as defined in Section 31-002(n)(2), or an adult who is a grandparent, aunt, uncle, or sibling of the child.
- (8) "Preplacement preventive services" means those services designed to help children remain with their families by preventing or eliminating the need for removing the child from the home. Preplacement preventive services are emergency response services and family maintenance services.
- (9) "Primary Caregiver" means the nurturing adult who is assigned to specific children under the age of six for the duration of their stay in a county operated emergency shelter care facility. The Primary Caregiver provides the major portion of daily care as described in Section 31-002(p)(8) during normal working hours for their assigned children and who is not assigned more than three children at any time.
- (10) "Primary Caregiver Duties" shall be to meet the needs of the child in the following areas: physical health and well-being, self-care, motor skills, social skills, emotional development, cognition, language and communication, and other child care worker duties as defined in Title 22, Section 84065.2(b).
- (q) Reserved

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- (r) (1) "Recruitment" means activity to find and develop resources which are necessary but do not exist, or which exist but must be expanded.
- (2) "Referral to community agency" means informing another service agency that a child and/or that child's family desires or requires that agency's services; and assisting the child and/or family to avail themselves of such services.
- (3) "Relinquishment of a Child" means the action of a relinquishing parent who signs a relinquishment document in which he or she surrenders custody, control and any responsibility for the care and support of the child to the Department or any licensed public or private adoption agency pursuant to Family Code Section 8700.
- (4) "Representative" means a person authorized by a party to a grievance review, or by specified administrative review hearing participants, to act for and represent that party or participant in any and all aspects of a grievance procedure or administrative review hearing.
- (5) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including step-parents, step-siblings, and all relatives whose status is preceded by the words "step", "great", "great-great", or "grand", or the spouse of any of these persons, even if the marriage was terminated by death or dissolution. For the purposes of preferential consideration for placement of a child, "relative" means an adult who is a grandparent, aunt, uncle, or sibling of the child.
- (6) "Respite care" means the provision of prearranged child care when a parent(s)/guardian(s) or foster parent(s) is absent or incapacitated, and a determination has been made that temporary in-home or out-of-home care is in the child's best interest. Respite care services are offered as part of a case plan to allow a temporary respite of parental duties, so that a parent(s)/guardian(s) or foster parent(s) is able to fulfill other responsibilities necessary to improve or maintain the parenting function. Respite care services do not exceed 72 hours per session. These services are not provided for the purpose of routine, on-going child day care.
- (s) (1) "Safety plan" means a plan for providing services to promote the health and safety of the children in a family. The safety plan shall specify the number and frequency of in-home visits required.
- (2) "Senior parent" means the adult parent of a minor parent.
- (3) "Seriously emotionally disturbed" means those children described in Welfare and Institutions Code Section 5600.3(a)(2).

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(A) Welfare and Institutions Code Section 5600.3(a)(2) states:

"For the purposes of this part, 'seriously emotionally disturbed children or adolescents' means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

"(A) As a result of the mental disorder the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

"(i) The child is at risk of removal from home or has already been removed from the home.

"(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

"(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

"(C) The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code."

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- (4) "Service funded activity" means activities which are provided as determined by each county based upon the individual child and family needs as identified in the case plan and includes, but is not limited to, those activities specified in Welfare and Institutions Code Section 16501(a)(1).

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- (5) "Small family home" means any residential facility, in the licensee's family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs pursuant to Subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the Department may approve placement of children without special health care needs, up to the licensed capacity.
- (6) "Social services" or "services" means the composite of service programs funded under the Social Security Act Titles IV-B and IV-E, and Title XX (as described in the child welfare services component of the California Department of Social Services publication "Title XX Block Grant Preexpenditure Report"), and any other applicable funding sources.
- (7) "State agency" means the California Department of Social Services (CDSS).
- (8) "Substance abuse testing" means the process of chemical analysis to determine if certain drugs, including alcohol, or controlled substances are present, indicating that a person has used or has in his/her system, a specified drug or substance.
- (9) "Substantial Distance from Home" means an out-of-home placement which is farther than an adjacent, "contiguous county" from the residence of the parents or guardian.

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- (t) (1) "Teaching and demonstrating homemaker" means a person who provides homemaking instruction, through discussion and example, to parent(s)/guardian(s), or other adult(s) fulfilling the parental role, and/or families when parent/guardian functioning can be improved by teaching more effective child care skills and home maintenance. Although this instruction does not include the routine provision of regular homemaker services, teaching and demonstrating homemakers may provide direct child care and home maintenance services incidental to the primary goal of improving parent functioning through demonstrating and teaching the skills required to successfully manage and maintain the home and meet the needs of children in that setting. This instruction is available on a 24-hour basis as resources permit. It does not necessarily have to be provided during the presence of the parent(s)/guardian(s) in the home.
- (2) "Temporary in-home caretaker" means a person who provides temporary care to a child in the child's own home in lieu of out-of-home placement when a parent(s)/guardian(s) is unable to care for the child because of an absence or illness and there is no other caretaker available to provide necessary care. Temporary in-home caretakers do not provide routine, on-going child day care.
- (3) "Therapeutic day services" means nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to children who would otherwise be placed in foster care or who are returning home from foster care.
- (4) "Transitional Independent Living Plan (TILP) for the purposes of the Independent Living Program" means the written service delivery plan, available on the Child Welfare Services/Case Management Services (CWS/CMS) that identifies the youth's current level of functioning, emancipation goals and the specific skills needed to prepare the youth to live independently upon leaving foster care. The plan is mutually agreed upon by the youth and the social worker/probation officer.
- (5) "Transitional independent living plan" means the portion of the child's case plan that describes the programs and services, including employment and savings, as appropriate, based on an assessment of the individual child's skills and abilities, that will help the child prepare for transition from foster care to independent living.
- (6) "Transportation" means conveying a child and/or the child's family from one place to another when mobility is necessary to support a specific case plan, and no other means of conveyance is available.

31-002	DEFINITIONS (Continued)	31-002
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- (u) (1) "Unfounded report" means a report of child abuse, which is determined by a child protective agency investigator to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse, as defined in Penal Code Section 11165.6.
- (v) (1) "Visit" means a face-to-face contact between:
 - (A) A social worker or other person authorized by the Division 31 regulations to make visits with the child, the child's family, and/or the out-of-home care provider; or
 - (B) A child and his/her parent(s)/guardian(s), siblings, grandparents, or others deemed appropriate by the county or juvenile court.
- (2) "Voluntary placement" means a placement described by Welfare and Institutions Code Section 11400(n).
- (3) "Voluntary placement agreement" means the agreement described by Welfare and Institutions Code Section 11400(o).
- (w) Reserved
- (x) Reserved
- (y) (1) "Youth" means, for the purposes of the ILP, children who are at least 16 years of age up to the day prior to their 21st birthday.
- (z) Reserved

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 300, 300(c), 300(e), 306(b), 309(d) 319, 319(f), 727, 11402, and 16507.5(b) (as amended by AB 1695, Chapter 653, Statutes of 2001), 361, 361.2, 361.2(h), 361.3, 361.3(a)(8), 361.4(a)(3)(A), (b), and (c), 362.7, 366.22, 366.3(e)(4) and (e)(8), 391, 636.1(c), 706.6(o), 727, 727.2, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 10554, 11100, 11105, 11108.15, 11155.5, 11400(a), 11402, 11404, 11467.1, 16001.5, 16001.9, 16010, 16012, and 16501, 16501(a)(3), 16501.1(e)(9), 16501.1(f)(7), 16503, 16504, 16506, 16506(c), 16507.5(b), 16516.5, 16520, 16521, 17736, and 18951(d), Welfare and Institutions Code; Section 11165 et seq., Penal Code; Section 265, Civil Code; 42 U.S.C. Section 675; Sections 1502, 1502(a)(8), 1505.2 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 1522, 1522.06, and 1530.8, Health and Safety Code; 45 CFR 233.120; 42 U.S.C. 675(5); Sections 7002, 7901, 7911, 7911.1, and 7912, Family Code; and Public Law 105-89 (Adoption and Safe Families Act of 1977).

**CHILD WELFARE SERVICES PROGRAM
ASSESSMENT AND CASE PLAN**

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.317 California Code of Regulations, Title 9, Section 1924 states:

"(a) Continuing stay criteria used by a CTF shall include documentation by the CTF psychiatrist of the continuation of admission criteria in addition to written documentation from the appropriate interagency placement committee, or other designated external case manager, such as the probation department, county mental health department, or private insurance utilization review personnel, supporting the decision for continued placement of the child within a CTF. Continuing stay criteria shall be reviewed by a CTF in intervals not to exceed ninety (90) days. Findings shall be entered into each child's facility record.

"(b) Individuals who are special education pupils identified in paragraph (4) of subdivision (c) of Section 56026 of the Education Code and who are placed in a CTF prior to age eighteen pursuant to Chapter 26.5 of the Government Code may continue to receive services through age 21 provided the following conditions are met:

"(1) They continue to satisfy the requirements of subsection (a);

"(2) They have not graduated from high school;

"(3) They sign a consent for treatment and a release of information for CTF staff to communicate with education and county mental health professionals after staff have informed them of their rights as an adult.

"(4) A CTF obtains an exception from the California Department of Social Services to allow for the continued treatment of the young adult in a CTF pursuant to Section 80024, Title 22, Division 6, Chapter 1 of the California Code of Regulations."

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- .32 The schedule of planned parent(s)/guardian(s) contacts and visits with the child, in accordance with Section 31-340.
- .33 The schedule of planned visitation of the child by his/her grandparents as specified in Welfare and Institutions Code Section 16507(a).
- .34 The schedule of planned social worker contacts and visits with the child's out-of-home care provider, in accordance with Section 31-330.
- .35 The health and education information about the child.
 - .351 This information shall include the following, as available.
 - (a) The names and addresses of the child's health and educational providers.
 - (b) The child's grade level performance.
 - (c) The child's school record.
 - (d) Assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement.
 - (e) A record of the child's immunizations.
 - (f) The child's known medical problems.
 - (g) The child's medications.

31-206	CASE PLAN DOCUMENTATION	31-206
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- .352 If any of the required health and education information is not contained in the case plan, the case plan shall document where the information is located.
- .36 A plan which will ensure that the child will receive medical and dental care which places attention on preventive health service through the Child Health and Disability Prevention (CHDP) program, or equivalent preventive health services in accordance with the CHDP program's schedule for periodic health assessment.
- .361 Each child in placement shall receive a medical and dental examination, preferably prior to, but not later than, 30 calendar days after placement.
- .362 Arrangements shall be made for necessary treatment.
- .37 For each youth in placement 16 years of age or older, the case plan shall incorporate the Transitional Independent Living Plan (TILP) as specified in Section 31-236.
- .38 For each child for whom a dependency petition has been filed, the recommendation that the right of the parent(s)/guardian(s) to make education decisions be limited by the court pursuant to Welfare and Institutions Code Section 361(a), if applicable.
- .4 The case plan shall be considered complete only if all of the elements specified in Section 31-206 have been documented and the social worker's supervisor has signed and dated the case plan.
- .41 The social worker may complete a single case plan for the family, provided that the planned services are individually identified for each person named in the case plan.
- .42 If any of the elements specified in Section 31-206 are not immediately available, the social worker shall document in the case plan the following information:
 - .421 The social worker's attempts to obtain the information.
 - .422 The social worker's plan for obtaining the information including the time frame in which the information is expected to be obtained.

31-206	CASE PLAN DOCUMENTATION (Continued)	31-206
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NOTE: Authority Cited: Sections 10553, 10554, and 16501.1, Welfare and Institutions Code. Reference: Sections 358.1(e) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 361, 361(b) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 361.5, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16002, 16501, 16501.1(e), and 16507, Welfare and Institutions Code; 42 U.S.C. Sections 675(1) and 677; Sections 7901, 7911, 7911.1, and 7912, Family Code; and Sections 1502 and 1502(a)(8), Health and Safety Code.

31-210	CASE PLAN TIME FRAMES AND ADMINISTRATIVE REQUIREMENTS FOR CHILDREN FOR WHOM A DEPENDENCY PETITION HAS BEEN FILED	31-210
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- .1 Within 30 calendar days of the in-person investigation (i.e., first face-to-face contact) or initial removal, or by the date of the dispositional hearing, whichever comes first, the social worker shall:
 - .11 Complete and sign the case plan as specified in Section 31-206.
 - .12 Explain the purpose and the content of the case plan to the parent(s)/guardian(s) named in the case plan.
 - .13 Request the parent(s)/guardian(s) to sign the case plan as an indication of case plan approval and willingness to participate in service activities.
 - .131 If unable to obtain the signature of the parent(s)/guardian(s) as specified in Section 31-210.13, the county shall nevertheless provide services, but shall document in the case plan the reason(s) for the failure to obtain the signature of the parent(s)/guardian(s).
 - .14 Provide a copy of the completed case plan to the parent(s)/guardian(s).
 - .15 Obtain the signed and dated written approval of the social worker's supervisor on the case plan or the court report.
 - .151 The social worker's supervisor must sign the case plan or the court report in which the case plan is included prior to submission to the court or within 30 days of the initial removal or initial response, whichever occurs first.

31-236 TRANSITIONAL INDEPENDENT LIVING PLAN (TILP)**31-236**

- (a) For each youth in placement, 15½ and not yet 16 years of age, the social worker/probation officer of the county of jurisdiction shall insure that the youth shall actively participate in the development of the TILP. The TILP describes the youth's current level of functioning; emancipation goals identified in Section 31-236.6; the progress towards achieving the TILP goals; the programs and services needed, including, but not limited to, those provided by the ILP; and identifies the individuals assisting the youth. The TILP shall be reviewed, updated, approved, and signed by the social worker/probation officer and the youth every six months.

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- (1) While foster care providers, ILP staff, and others may administer living skills assessments tests to foster/probation youth, the social worker/probation officer is responsible for utilizing the test results in the TILP to reflect the needs and goals of the youth.

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- (1) For youth who entered foster care after their 16th birthday, the TILP shall be completed prior to the Disposition Hearing.
- (2) The social worker/probation officer shall include the TILP in the youth's case plan when submitting documents to the court for determining services at the disposition hearing and each status review hearing prior to the first permanency planning hearing and each permanency planning hearing pursuant to Welfare and Institutions Code Sections 358(b), 358.1, 366.3, 706.5, 727.2(e)(5), and 727.3.
- (3) Counties may develop a TILP for youth younger than 16 years of age in accordance with a county plan.
- (4) The TILP shall be incorporated into the case plan specified in Section 31-206.37.
- (5) The social worker/probation officer shall use a nationally recognized or departmentally-approved assessment tool to assist the youth in developing the TILP.

31-236	TRANSITIONAL INDEPENDENT LIVING PLAN (TILP)	31-236
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- (A) The following are some examples of nationally recognized assessment tools:

Daniel Memorial Institute Independent Living Assessment for Life Skills, Ansel-Casey Skills Assessment, Phillip Roy Life Skills Curriculum, Community College Foundation Life Skills Assessment Pre and Post Questionnaires.

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- (6) When a goal contained within the TILP is employment, the TILP must state that the purpose of employment is to enable the youth to gain knowledge of work skills, and the responsibilities of maintaining employment pursuant to Welfare and Institutions Code Section 11008.15.
- (b) The social worker/probation officer shall update the TILP at least every six months or when requested by the youth to reflect progress, changes in the youth's level of functioning and modifications made to emancipation goals, programs and services identified in the TILP.
- (c) The social worker/probation officer shall ensure that the initial TILP and each update is signed and dated by the social worker/probation officer and the youth.
- (d) If the youth refuses to cooperate with the social worker/probation officer in the development of the TILP, the social worker/probation officer shall complete the TILP, including the needs and services. This shall include documentation explaining the refusal and reasonable efforts made to obtain the youth's cooperation.
- (e) The social worker/probation officer of the county of jurisdiction shall provide a copy of each completed TILP and its updates to the youth and others who are essential to the completion of the TILP goals.
- (f) The social worker/probation officer shall use the TILP document available on the Child Welfare Services/ Case Management System (CWS/CMS).
- (g) The social worker/probation officer of the county of jurisdiction shall inform youth about the county ILP and encourage them to participate.
- (1) When the appropriate ILP services have been identified, participation in ILP must be documented in the youth's TILP.

31-236	TRANSITIONAL INDEPENDENT LIVING PLAN (TILP)	31-236
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- (2) The social worker/probation officer of the county of jurisdiction shall, prior to youth's emancipation, ensure that ILP services are provided as identified in the TILP.
- (3) The social worker/probation officer of the county of jurisdiction shall defer ILP enrollment only if the youth is physically or mentally unable to benefit from the program or if the youth declines to participate. Physical or mental deferments shall be determined by the youth's primary care physician or health/mental health care professional. A redetermination of deferment shall be made at least every six months and documented in the TILP.
- (4) The social worker/probation officer of the county of jurisdiction shall provide, as applicable, the necessary records, referrals and documentation to ensure timely and appropriate ILP service provision and meet the goals and services of the TILP as described in Section 31-236.
- (5) The social worker/probation officer of the county of jurisdiction shall ensure that transportation is provided and/or accessible to enable youth to participate in the ILP.
- (6) The social worker/probation officer of the county of jurisdiction shall work with the youth to ensure that they have access to ILP core services.
- (7) The social worker/probation officer shall ensure that participation in ILP is not used as a punishment or reward.
- (h) The social worker/probation officer shall assist the youth to complete the emancipation preparation goals described in the TILP by collaborating with public and private agencies/persons including but not limited to schools, colleges, the Department of Education, Mental Health, ILP coordinators, care providers, the Student Aid Commission, the Employment Development Department and One-Stop Career Centers.
- (i) The services described in the TILP shall assist, the youth, as applicable, to attain the following emancipation preparation goals:
 - (1) Education attainment including: literacy skills, high school diploma/GED.
 - (2) Management, budget and financial management skills; knowledge of landlord/tenant issues, self-advocacy skills, and credit issues; and knowledge of preventive health activities (including substance abuse prevention, smoking avoidance, nutrition education, pregnancy prevention).

31-236	TRANSITIONAL INDEPENDENT LIVING PLAN (TILP)	31-236
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- (3) Development of a mentoring relationship with a responsible adult.
- (4) Knowledge of how to acquire and receipt of important documents, including but not limited to:
 - (A) A certified birth certificate;
 - (B) A social security card;
 - (C) An identification card and/or driver's license;
 - (D) A proof of citizenship or residency status (for undocumented aliens, receipt of a completed application for Special Immigrant Juvenile Status (SIJ) pursuant to 8 C.F.R. Section 204.11 or other naturalization process);
 - (E) Death certificate(s) of parent or parents;
 - (F) A proof of county dependency status for education aid applications;
 - (G) School records;
 - (H) Immunization records;
 - (I) Medical records;
 - (J) A Health and Education Passport;
 - (K) A work permit;
 - (L) Written information concerning the child's dependency case including: information about the child's family history; the child's placement history;
 - (M) The names, phone numbers and addresses of siblings and other relatives;
 - (N) The procedures for inspecting the documents described under Welfare and Institutions Code Section 827; and
 - (O) Information regarding jurisdiction termination hearings and the potential consequences of a failure to attend.

31-236	TRANSITIONAL INDEPENDENT LIVING PLAN (TILP)	31-236
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- (5) Receipt of mental health counseling, as appropriate.
- (6) Establishment and maintenance of a bank account including, but not limited to an emancipation savings account.
- (7) College, vocational training program, or other educational or employment program admittance information, prior to emancipation.
- (8) Gainful employment through the provision of information about and participation in employment and training services provided through the Employment Development Department (EDD) One-Stop Career Centers, and registered at an EDD One-Stop Career Center, including but not limited to: career exploration, work readiness skills, vocational training, employment experience, job placement and retention.
- (9) Receipt/completion of applications for sources of post-emancipation financial support including but not limited to emancipation stipends, Supplemental Security Income (SSI), Transitional Assistance to Needy Families (TANF), Supportive Transitional Emancipation Program (STEP), Transitional Housing Program-Plus (THP-Plus), scholarships and grants, as applicable.
- (10) Referral to appropriate county adult social services agencies, as needed, prior to emancipation.
- (11) Completion of Medi-Cal reapplication, prior to emancipation.
- (12) Acquisition of safe and affordable housing, upon emancipation.
- (j) The social worker/probation officer shall enable the youth to obtain documents identified in the TILP that are necessary to complete the emancipation goals during the first six months of the youth's 16th year or as soon thereafter as is reasonable.
- (k) Social workers/probation officers shall, prior to each withdrawal from the emancipation savings account, include in the TILP their written determination and authorization for the youth to withdraw cash savings necessary for emancipation purposes pursuant to Welfare and Institutions Code Sections 11008.15 and 11155.5.
- (l) If applicable, savings and incentive payments shall be documented in the TILP, and the requirements of Welfare and Institutions Code Sections 11008.15 and 11155.5 shall apply.

31-236 TRANSITIONAL INDEPENDENT LIVING PLAN (TILP)
(Continued)

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- (1) Welfare and Institutions Code Section 11008.15 specifies:

"Notwithstanding Sections 11008.14 and 11267, the department shall exercise the options of disregarding earned income of a dependent child derived from participation in the Job Training Partnership Act of 1982 (P.L. 97-300), a dependent child who is a full-time student pursuant to the Deficit Reduction Act of 1984 (P.L. 97-369), and a dependent child 16 years of age or older who is a participant in the Independent Living Program pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272), providing the child's Independent Living Program case plan states that the purpose of the employment is to enable the child to gain knowledge of needed work skills, work habits, and the responsibilities of maintaining employment."

- (2) Welfare and Institutions Code Section 11155.5 specifies:

"(a) In addition to the personal property permitted by other provisions of this part, a child declared a ward or dependent child of the juvenile court, who is age 16 years or older, may retain resources with a combined value of not more than ten thousand dollars (\$10,000), consistent with Section 472(a) of the federal Social Security Act (42 U.S.C. Sec. 672(a)) as contained in the federal Foster Care Independence Act of 1999 (P.L. 106-169) and the child's transitional independent living plan. Any cash savings shall be the child's own money and shall be deposited by the child or on behalf of the child in any bank or savings and loan institution whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The cash savings shall be for the child's use for purposes directly related to emancipation pursuant to Part 6 (commencing with Section 7000) of Division 11 of the Family Code.

"(b) The withdrawal of the savings shall require the written approval of the child's probation officer or social worker and shall be directly related to the goal of emancipation."

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- (m) The social worker/probation officer shall consider placement of eligible youth in the THPP subject to the requirements set forth in Welfare and Institutions Code Section 16522(a).

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- (1) Welfare and Institutions Code Section 16522(a) states, in part:
- (a) "The State Department of Social Services shall adopt regulation to govern transitional housing placement programs that provide supervised housing services to persons at least 16 years of age and not more than 18 years of age, except as provided in section 11403, and who meet all of the following conditions;
- "(1) Meet the requirements of section 11401.
- "(2) Are in out-of-home placement under the supervision of the county department of social service or the county probation department.
- "(3) Are participating in, or have successfully completed an independent living program.
- "(4) Any minor at least 16 years of age and not more than 18 years of age, except as provided in Section 11403, who is eligible for AFDC-Foster Care benefits under this chapter and who meets the requirements in Section 16522.2."

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 358, 366, 391, 706.6, 727.2, 727.3, 10553, 10554, 11155.5, 11403.2, 16501, 16501.2, 16501.5, 16522, et seq., and 18987.6, Welfare and Institutions Code and 42 U.S.C. Sections 672(a), 675, and 677.

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**CHILD WELFARE SERVICES PROGRAM
SPECIAL REQUIREMENTS**

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31-520	PLACEMENT OF INDIAN CHILDREN	31-520
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- (d) An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.
- .13 The order of placement preference specified in Sections 31-520.121(a) through (d) shall not override current state licensing regulations.
- .14 Licensure by an Indian child's tribe shall not constitute licensure by the state, nor shall licensure by the state constitute licensure by the Indian child's tribe.
- .2 When an Indian child's parent(s) or Indian custodian voluntarily consents to a foster care placement, the following requirement shall be met:
 - .21 The authorized agency official and the Indian child's parent(s) or Indian custodian shall appear together before a judge of the Superior Court to sign the consent Form SOC 155-C.
 - .211 If a parent wishes to make a voluntary foster care placement of a newborn through a licensed adoption agency, and is considering relinquishment of the newborn to the agency, the appearance before the judge shall not be required unless the foster care placement continues for more than 30 calendar days because the relinquishment is not taken within such time period.
 - .22 In the presence of the judge and before the consent can be signed, the agency official shall explain the terms and consequences of the consent in detail to the Indian child's parent(s) or Indian custodian in a language understood by the parent(s) or Indian custodian.
 - .23 For the consent to be valid, it shall be necessary for the judge to certify in writing that the terms and consequences of the consent were fully explained in detail and fully understood, including that:
 - .231 The consent may be withdrawn and the child returned to the parent(s) at any time.
 - .232 The placement of the child will be in accordance with the order of placement preference specified in Sections 31-520.121(a) through (d).

31-520	PLACEMENT OF INDIAN CHILDREN	31-520
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- (a) When a consenting parent evidences a desire for anonymity, the agency shall inform the court of the desire and shall request direction from the court in applying the preferences.
- .233 The return of the child shall be within an agreed-upon time period, ordinarily not to exceed three working days. In no case shall the return of the child require more than seven calendar days following the parent's request.
- .24 Any consent given prior to or within ten working days of the birth of the Indian child shall not be valid.
- .241 During such time period, the child shall be provided with necessary child protective services.
- .3 Requirements regarding case records shall include the following:
 - .31 All Indian child placements shall be clearly documented on the placement history Form SOC 153.
 - .32 Efforts to comply with the placement preference order specified in Sections 31-520.121(a) through (d) shall be documented, and any deviations to the order shall be fully explained.
 - .33 The placement history shall be available to the Secretary of the Interior and/or the child's Indian tribe, upon request to the county.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 25 USCA Section 1901 et seq.

31-525	INDEPENDENT LIVING PROGRAM (ILP)	31-525
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- .1 The purpose of the Independent Living Program (ILP) is to provide program services and activities as described in the TILP to assist eligible youth to live independently.
- .2 The county social worker/probation officer shall determine ILP eligibility concurrently with the development of the initial TILP and redetermine ILP eligibility with each TILP update.

31-525	INDEPENDENT LIVING PROGRAM (ILP)	31-525
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(Continued)

- .3 Youth shall be eligible for ILP services up to their 21st birthday provided one of the following criteria is met:
- .31 Were/are in foster care at any time from their 16th to their 19th birthday. This does not include youth placed in detention facilities, locked facilities, forestry camps, training schools, facilities that are primarily for the detention of youth who are adjudicated delinquent, medical and psychiatric facilities, voluntary placements, wraparound program participants, youth placed pursuant to an individualized education program and guardianship placements in which the youth is not a dependent or ward of the court.
 - .32 Were/are 16 years of age up to 18 years of age and in receipt of the Kinship Guardianship Assistance Payment Program (KinGap) assistance.
 - .33 Eligible youth younger than 16 years of age may participate in an ILP for younger youth if the county of jurisdiction has a county plan that includes such a program. Youth younger than 16 years of age placed outside their county of jurisdiction may participate in an ILP for younger youth only with prior approval of the county of jurisdiction. Participation in an ILP for younger youth prior to age 16 does not qualify a youth for ILP eligibility.
- .4 ILP participation is deferred only if the youth is physically or mentally unable to benefit from the ILP as determined by the youth's primary care physician or health/mental health care professional or if the youth declines to participate in the ILP. If ILP participation is deferred, the social worker/probation officer on behalf of youth in foster care or the ILP coordinator on behalf of KinGap youth and other eligible youth shall document, in the TILP the reason(s) for the deferment. A redetermination of deferment shall be made at least every six months and documented in the TILP.
- .5 Eligibility for the ILP shall not be determined by outside agencies such as contractors or vendors.

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- .51 Welfare and Institutions Code Section 16501(c) specifies:

“Counties shall not contract for needs assessment, client eligibility determination, or any other activity as specified by regulations of the State Department of Social Services, except as specifically authorized in Section 16100.”

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31-525	INDEPENDENT LIVING PROGRAM (ILP)	31-525
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- .6 County social workers/probation officers shall:
 - .61 Ensure that foster care/probation youth are given appropriate information about and the opportunity to participate in the ILP.
 - .62 Ensure that ILP participation is not used as a punishment or reward.
 - .63 Use the TILP document available on the Child Welfare Services Case Management Services (CWS/CMS).
 - .64 Work with foster care/probation youth to ensure that they have access to ILP core services as described in Section 31-525.8.
 - .65 Collaborate with the youth, ILP Coordinators, care providers, and other service providers to ensure the development and implementation of TILP goals, services and activities, including addressing transportation needs.
 - .66 Prior to the youth's emancipation, ensure that ILP services are provided as identified in the TILP.
 - .67 Defer ILP enrollment only if the youth is physically or mentally unable to benefit from the program as determined by the youth's primary care physician or health/mental health care professional or if the youth declines to participate. A redetermination of deferment shall be made at least every six months and be documented in the TILP.
 - .68 Provide, as applicable, the necessary records, referrals and documentation to ensure that timely and appropriate ILP service provision has met the goals and services of the TILP as described in Section 31-236.
- .7 County ILP Coordinators shall:
 - .71 Ensure that every eligible youth participating in ILP up to age 21 has a TILP.
 - .72 Collaborate with the youth, social workers/probation officers, care providers and other service providers to ensure the provision of core services and activities so that the goals outlined in the youth's TILP are achieved.

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- .73 Ensure that participation in ILP is not used as a punishment or reward.
- .74 Not duplicate or replace services that are available through other agencies and programs.
- .75 Recruit, offer and provide individualized ILP services to eligible youth including emancipated youth, legally emancipated minors, and KinGap youth.
- .76 Ensure that benefits, services and treatment are fair and equitable to all eligible youth.
- .77 Utilize the Emancipated Youth Stipend to provide assistance to emancipated youth who are eligible for the ILP pursuant to Welfare and Institutions Code Section 10609.3.

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.771 Welfare and Institutions Code Sections 10609.3(e)(1) and (2) state:

"(1) Effective July 1, 2000, the department, in consultation with the Independent Living Program Strategic Planning Committee, shall develop and implement a stipend to supplement and not supplant the Independent Living Program. To qualify for this stipend, a youth shall be otherwise eligible for the Independent Living Program, have been emancipated from foster care to live on his or her own, and be approved by the county. The stipend may provide for, but not be limited to, assisting the youth with the following independent living needs:

- (A) Bus passes.
- (B) Housing rental deposits and fees.
- (C) Housing utility deposits and fees.
- (D) Work-related equipment and supplies.
- (E) Training-related equipment and supplies.
- (F) Education-related equipment and supplies."

"(2) Notwithstanding Section 10101, the state shall pay 100 percent of the nonfederal costs associated with the stipend program in paragraph (1), subject to the availability of funding provided in the annual Budget Act."

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| .8 | Core services shall be provided based on identified individual needs and goals as documented in the TILP including, but not limited to: |
| .81 | Education, including: skill development, assistance and referrals to obtain literacy skills, high school diploma/GED, post-secondary education experiential learning and computer skills; |
| .82 | Career development, including: assistance and referral to obtain career exploration, work readiness and responsibility skills, employment development, employment experience, vocational training, apprenticeship opportunities, job placement and retention; |
| .83 | Assistance and referral to promote health (including mental health) and safety skills including, but not limited to: substance abuse prevention, smoking cessation, pregnancy prevention, and nutrition education; |
| .84 | Referral to available mentors and mentoring programs; |
| .85 | Daily living skills, including: information on and experiences and training in financial management and budgeting; personal responsibility skills; self-advocacy; household management; consumer and resource use; survival skills; and obtaining vital records; |
| .86 | Financial resources, including: information and referrals regarding financial assistance if applicable, including, but not limited to, incentives, stipends, savings and trust fund accounts, educational/vocational grants, CAL-Grants, Employment Development Departments, registered in One-Stop Career Centers, Workforce Investment Act funding and programs, other employment programs and other forms of public assistance including, but not limited to, CalWORKs, Food Stamps, and Medi-Cal; and |
| .87 | Housing information, including: training and referrals about transitional housing programs; federal, state and local housing programs; and landlord/tenant issues. |

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 358(b), 366 et seq., 391, 706.6, 727.2, 727.3, 10553, 10554, 10609.3, 11375, 16500.1, 16501, 16501.5, and 18987.6, Welfare and Institutions Code; and 42 U.S.C. Sections 672, 675 and 677.

31-530	MINOR PARENT SERVICES (MPS)	31-530
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- .1 Referral of Minor Parent Pursuant to Welfare and Institutions Code Section 11254(b)(3).

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- .11 Referral of a Minor Parent specified in Welfare and Institutions Code Section 11254(b)(3) occurs when a minor parent applies for AFDC and alleges that their physical or emotional health or safety, or that of their child(ren) would be jeopardized if they lived in the same residence with their parent, legal guardian or other adult relative. AFDC county eligibility staff will not make a final determination about granting aid, except in cases where Immediate Need is requested, until a CWS social worker informs AFDC county eligibility staff whether the minor parent and his/her child(ren) can safely reside in the senior parent's, legal guardian's or other adult relative's home.

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- .12 Within 20 calendar days of receiving a referral pursuant to Welfare and Institutions Code Section 11254(b)(3), the CWS social worker shall complete an in-person investigation of the allegation to determine whether the physical or emotional health or safety of the minor parent or child(ren) would be jeopardized if they lived in the same residence with the minor parent's own parent, legal guardian or other adult relative.
- .13 If the referral is unfounded, the CWS social worker shall document the factors contributing to this determination, and shall complete and return the referral form to the county AFDC office.
- .14 If the referral is not unfounded, the CWS social worker shall document the factors contributing to this determination and shall complete and return the referral form to the county AFDC office and follow the procedures set forth in Section 31-530.2.

- .2 Referral of Minor Parent Determined to Meet Exemption Pursuant to Welfare and Institutions Code Section 11254(b). (Section 31-530.2 et seq. is to be implemented on June 1, 1997).

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- .21 Minor parent exemptions specified in Welfare and Institutions Code Sections 11254(b)(1) through (4) are:
- .211 Minor parent has no parent or legal guardian who is living or whose whereabouts are known.

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